



Appeal Decision

No site visit required

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/D1780/C/23/3314812

59 Portswood Road, SOUTHAMPTON, SO17 2FT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by S Properties Limited against an enforcement notice issued by Southampton City Council.
 - The notice was issued on 13 December 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to five self-contained flats ("the unauthorised development").
 - The requirements of the notice are: (i) cease the use of the land as more than 2 self-contained flats; (ii) remove the fixtures and fittings that solely facilitate the use of the land as more than 2 self-contained flats; (iii) remove all resulting materials from complying with step (ii) above from the land.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed and the enforcement notice is quashed.

Applications for costs

2. An application for a partial award of costs against the appellant has been made by the Council and is subject to a separate decision.

The Appeal on Ground (d)

3. Following the submission of further evidence from the appellant the Council accepts that on the balance of probabilities the property has been in use as five flats for four or more years. I have no reason to disagree with that conclusion and shall allow the appeal on ground (d). The other grounds do not need to be considered.

Simon Hand

INSPECTOR